

Message

From: tknauer@tkenvirolaw.com [tknauer@tkenvirolaw.com]
Sent: 3/25/2013 4:42:41 PM
To: Kane, Katherine (ENRD) [Katherine.Kane@usdoj.gov]
CC: Nelson Johnson [Nelson.Johnson@APORTER.COM]; Surber, Sarah J. [SSurber@oag.state.va.us]; Abraham, Dennis [Abraham.Dennis@epa.gov]; McIntosh, Robert (USAVAE) [Robert.McIntosh@usdoj.gov]; Prince, Jhana L (ENRD) [Jhana.L.Prince@usdoj.gov]
Subject: RE: Honeywell Consent Decree

Kate:

I do not see any issues with the revisions you made. Accordingly, I have previously emailed to you and Rob an electronic copy of my executed signature page for the CD. Once again, Honeywell would very much appreciate an advance or simultaneous alert regarding the exact time of the CD's lodging and issuance of any press release(s). I can't stress how important this is to Honeywell, so I ask that you please do your absolute best to accommodate this request.

Thanks again for your help on this.

Tom

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This email may contain confidential or privileged information. If you are not the intended recipient, please delete this email without reading it or sending it to anyone else. I would also appreciate your advising me by return email if you have received this email by mistake. Thank you.

----- Original Message -----

Subject: Honeywell Consent Decree
From: "Kane, Katherine (ENRD)" <Katherine.Kane@usdoj.gov>
Date: Fri, March 22, 2013 6:16 pm
To: "tknauer@tkenvirolaw.com" <tknauer@tkenvirolaw.com>
Cc: Nelson Johnson <Nelson.Johnson@APORTER.COM>, "Surber, Sarah J." <SSurber@oag.state.va.us>, "Abraham, Dennis" <Abraham.Dennis@epa.gov>, "McIntosh, Robert (USAVAE)" <Robert.McIntosh@usdoj.gov>, "Prince, Jhana L (ENRD)" <Jhana.L.Prince@usdoj.gov>

Tom:

Please find attached a final, complete copy of the Consent Decree. To conform with local rules and EDVA EFT language, I made three changes that I wish to call to your attention. First, paragraph 10 has been changed as follows:

Defendant shall pay the civil penalties due to the United States by electronic funds transfer (EFT) to the U.S. Department of Justice in accordance with written instructions to be provided to the Defendant by the Financial Litigation Unit of the United States Attorney's Office for the Eastern District of Virginia, 101 West Main Street, Suite 8000, Norfolk, VA 23510. Such instruction may be obtained by contacting Ms. Ginger Swartworth at (757) 441-6331 and/or ginger.swartworth@usdoj.gov. Before making the wire transfer, Defendant shall provide the following: name of issuing bank from which the wire transfer is being made, contact person at the issuing bank, and telephone number of contact

person at issuing bank. At the time of its payment, Defendant shall send a copy of the EFT authorization form and the EFT transaction record, together with a transmittal letter, which shall state that the payment is for the civil penalty owed pursuant to the Consent Decree in United States of America and Commonwealth of Virginia v. Honeywell Resins & Chemicals LLC, and shall reference the assigned civil action number _____ and DOJ case number 90-5-2-1-09611, to the United States in accordance with Section XXII of this Decree (Notices), below; by email to acctsreceivable.CINWD@epa.gov; and by mail to:

I don't think this constitutes a material change requiring any party to re-sign, but please let me know if you or Nelson disagree. Sarah, please let me know if the Commonwealth has a different view as well. Because of the change to paragraph 10, I also changed page numbers in the Table of Contents. Finally, the US Attorney's signature block changed.

My paralegal, Jhana Prince, will be sending hard copies of the CD, Complaint, and Civil Cover Sheet to Rob McIntosh on Monday via Fed Ex. I anticipate that Rob's office will be able to file next week. If that changes, I will let you know.

Thanks, Tom.

Kate